

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 549

AN ACT to amend the Indiana Code concerning public safety.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 22-12-1-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) "Bull ride simulator" means a device designed to simulate:

- (1) a rodeo bull ride; or
- (2) a similarly challenging ride upon another type of animal; by subjecting the rider to a wide range of abrupt motion produced by mechanical, electrical, or hydraulic means. **The term includes a multiride electric unit with a bull ride attachment.**

(b) The term does not include devices that:

- (1) resemble animals; and
- (2) are designed:
  - (A) as an entertainment device;
  - (B) to operate rhythmically within a restricted range of motion; and
  - (C) for use by children.

SECTION 2. IC 22-15-7-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) **Except as provided in subsection (g) or (h)**, the office may not issue a permit under this chapter until the applicant has filed with the office a certificate of insurance indicating that the applicant has liability insurance:



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(1) in effect with an insurer that is authorized to write insurance in Indiana on the operation of regulated amusement devices; and  
 (2) except for an applicant that is subject to the provisions of IC 34-13-3, that provides coverage to a limit of at least:

(A) one million dollars (\$1,000,000) per occurrence and five million dollars (\$5,000,000) in the annual aggregate;

(B) five hundred thousand dollars (\$500,000) per occurrence and two million dollars (\$2,000,000) in the annual aggregate if the applicant operates only:

(i) a ski lift;

(ii) a surface lift or tow; or

(iii) both items (i) and (ii); or

(C) one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) in the annual aggregate if the applicant operates only regulated amusement devices that are designed to be used and are ridden by persons who are not more than forty-two (42) inches in height.

(b) An insurance policy required under this section may include a deductible clause if the clause provides that any settlement made by the insurance company with an injured person or a personal representative must be paid as though the deductible clause did not apply.

(c) An insurance policy required under this section must provide by the policy's original terms or an endorsement that the insurer may not cancel the policy without:

(1) thirty (30) days written notice; and

(2) a complete report of the reasons for the cancellation to the office.

(d) An insurance policy required under this section must provide by the policy's original terms or an endorsement that the insurer shall report to the office within twenty-four (24) hours after the insurer pays a claim or reserves any amount to pay an anticipated claim that reduces the liability coverage to a limit of less than one million dollars (\$1,000,000) because of bodily injury or death in an occurrence.

(e) If an insurance policy required under this section:

(1) is canceled during the policy's term;

(2) lapses for any reason; or

(3) has the policy's coverage fall below the required amount;

the permittee shall replace the policy with another policy that complies with this section.

(f) If a permittee fails to file a certificate of insurance for new or replacement insurance, the permittee:

(1) must cease all operations under the permit immediately; and

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(2) may not conduct further operations until the permittee receives the approval of the office to resume operations after the permittee complies with the requirements of this section.

**(g) The office may issue a permit under this chapter to an applicant that:**

**(1) is subject to IC 34-13-3; and**

**(2) has not filed a certificate of insurance under subsection (a);**

**if the applicant has filed with the office a notification indicating that the applicant is self-insured for liability.**

**(h) The office may reduce the annual aggregate liability insurance coverage required under subsection (a)(2)(A) to one million dollars (\$1,000,000) in the annual aggregate for an applicant that:**

**(1) operates only regulated amusement devices that are bull ride simulators that are multiride electric units with bull ride attachments; and**

**(2) otherwise complies with the requirements of this chapter.**

**SECTION 3. An emergency is declared for this act.**

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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